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March 7, 2024

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) in response to Plaintiffs’ March 6, 2024 letter (ECF No. 9615). Plaintiffs seek ten additional pages and three additional weeks for their surreply. The Court should grant no additional pages and two weeks.

The page limit is the more important issue. This Court’s briefing order “decline[d] to impose page or paragraph limitations on parties’ averments or declarations,” but required “[t]he parties’ briefs . . . [to] set forth all pertinent facts,” and stated that “for the purposes of this motion [the Court] will consider only averments cited in the briefs.” ECF No. 9026, at 4. That is, the brief page limits operate as the constraints on the contentions the parties can present. Saudi Arabia’s reply complies with the page limit the Court set and (unlike Plaintiffs’ opposition) properly sets forth all facts on which Saudi Arabia intends to rely, with specific citations. Plaintiffs should not get a 50% increase in the length of their surreply so that they can raise additional contentions to which Saudi Arabia will have no opportunity to respond.

Further, the size of Saudi Arabia’s response to Plaintiffs’ Averment was a foreseeable result of Plaintiffs’ own decision to file a 564-page, 2,118-paragraph factual averment, which relies heavily on assertions about expert conclusions and purported agency findings that require space to rebut. Saudi Arabia’s response to that Averment is not “1,868 single spaced pages” as Plaintiffs contend. It is presented in a side-by-side table format, including all of Plaintiffs’ own Averment paragraphs, with considerable whitespace. Nearly half of each page consists of the column for the paragraph number and the column for Plaintiffs’ Averment paragraph.

As for time, a two-week extension would be proportionate (originally three weeks, five with proposed extension) to the extension that Saudi Arabia received for its reply (originally six weeks, ten-and-a-half with extension).

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Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg
Counsel for the Kingdom of Saudi Arabia

cc: All MDL Counsel of Record